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WEMMH/SB/21 (4/03)

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|--|----------------------|------------------------|--------|
| TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small> | Application Number | 10/728,026 | |
| | Filing Date | December 4, 2003 | |
| | First Named Inventor | Stephen E. RONSHEIM | |
| | Group Art Unit | 3679 | |
| | Examiner Name | Victor L. MacArthur | |
| Total Number of Pages in this Submission | 3 | Attorney Docket Number | 4098-6 |

| ENCLOSURES (check all that apply) | | |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached see PTO-2038 form <input type="checkbox"/> Amendment Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Power of Attorney, and Correspondence Address Form <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input checked="" type="checkbox"/> Request for Refund | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Additional Enclosure (please identify below) <input type="checkbox"/> Return Receipt Postcard |
| Remarks | | |
| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | |
| Firm or Individual Name | James M. Durlacher Woodard, Emhardt, Moriarty, McNett & Henry LLP | |
| Signature | <i>James M. Durlacher</i> | |
| Date | August 8, 2007 | |

| Certificate of Mailing | | | |
|--|-------------------------------------|------|----------------|
| I hereby certify that this correspondence is being telefaxed to the United States Patent and Trademark Office, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 via Telefax No. 571-273-8300 on this date: August 8, 2007 | | | |
| Typed or printed name | James M. Durlacher, Reg. No. 28,840 | | |
| Signature | <i>James M. Durlacher</i> | Date | August 8, 2007 |

4098-6:JMD/8/8/2007

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4093-6/JMD:4478293

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)
Stephen E. RONSHEIM) Before the Examiner
Serial No. 10/728,026) Victor L. MacArthur
Filed December 4, 2003) Group Art Unit 3679
SPHERICAL LOCKING DEVICE) August 8, 2007

REQUEST FOR REFUND
UNDER 37 CFR §1.26

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

A request for refund of the extension of time fee paid by credit card authorization on June 15, 2007 is being made based upon the fact that this fee was paid by mistake and is in excess of that required, which in this case was zero (0). The credit card authorization in the amount of \$225 is dated June 15, 2007 and is reflected on PAIR with an acknowledgment or entry date of June 18, 2007, which corresponds to the date stamped by the Patent and Trademark Office Mailroom.

The mistake occurred in the following manner.

There was an *Ex parte Quayle* Action dated February 2, 2007 with an indication that all pending claims were allowed. In that Action, there was a request for replacement drawings and the initial set submitted were found to be non-compliant based on what appears to be a telefaxing, scanning, or photocopying error. Regardless of the reason, Applicant's attorney received a Notice of Non-Compliant Amendment. That document

I hereby certify that this correspondence is being
telefaxed to the United States Patent and
Trademark Office on

August 8, 2007
(Date of Deposit)

James M. Durlacher
Name of Registered Representative

James M. Durlacher
Signature

August 8, 2007
Date of Signature

AUG 08 2007

acknowledges a one month time window in which to respond and effectively re-sets all of the time tables in this application. This Notice also indicates that extensions of time are available under 37 CFR 1.136 if the Non-Complaint Amendment was filed in response to a *Quayle* Action.

As Applicant understands the rules, this Notice re-started the time window and since the Response to that Notice was filed June 15, 2007, that filing was within the allotted one month time period. Accordingly, the two month extension of time was not necessary and requesting that two month extension of time was a mistake on the part of the undersigned attorney of record.

Based upon these facts and showings, a refund in the amount of \$225 is requested to be credited to the credit card account as reflected in the United States Patent and Trademark Office records for the subject patent application.

Respectfully submitted,

By James M. Durlacher
James M. Durlacher, Reg. No. 28,840
Woodard, Emhardt, Moriarty,
McNett & Henry LLP
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456

JUN 18 2007

WEMMH PTO/SB/22 (04/07)

Approved for use through 8/30/2007. OMB 0851-0031

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Under the Paperwork Reduction Act of 1995, no persons are required to a collection of information unless it contains a valid OMB control number.

| | | |
|---|--|---|
| PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2006 (Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). | | Docket Number (Optional) 4098-6 |
| Application Number 10/728,026 | | Filed December 4, 2003 |
| For SPHERICAL LOCKING DEVICE | | |
| Art Unit 3679 | | Examiner Victor L. MacArthur |

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

| | Fee | Small Entity Fee | |
|--|--------|------------------|------------------|
| <input type="checkbox"/> One month [37 CFR 1.17(a)(1)] | \$120 | \$60 | \$ _____ |
| <input checked="" type="checkbox"/> Two months [37 CFR 1.17(a)(2)] | \$450 | \$225 | \$ <u>225.00</u> |
| <input type="checkbox"/> Three months [37 CFR 1.17(a)(3)] | \$1020 | \$510 | \$ _____ |
| <input type="checkbox"/> Four months [37 CFR 1.17(a)(4)] | \$1590 | \$795 | \$ _____ |
| <input type="checkbox"/> Five months [37 CFR 1.17(a)(5)] | \$2160 | \$1080 | \$ _____ |

☒ Applicant claims small entity status. See 37 CFR 1.27.

☐ A check in the amount of the fee is enclosed.

☒ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 23-3030. I have enclosed a duplicate copy of this sheet.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.171.
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).

☒ attorney or agent of record. Registration Number: 28,840

☐ attorney or agent under 37 CFR 1.34(a).
Registration number if acting under 37 CFR 1.34(a): _____

James M. Durlacher June 15, 2007
Signature Date

James M. Durlacher 317-634-3456
Typed or Printed Name Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required. See below.

☒ *Total of 1 forms are submitted.

#468543

06/18/2007 SSITHIB1 00000069 10728026

01 FC:2252

225.00 OP

Adjustment date: 08/24/2007 SDIRETA1

06/18/2007 SSITHIB1 00000069 10728026

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Refund Ref:
08/24/2007

0030044075

Credit Card Refund Total: \$225.00

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